## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

WILLIAM COLEMAN SCOTT,	)	
	)	
Petitioner,	)	
	)	
V .	)	1 000077000
	)	1:22CV802
EDDIE M. BUFFALOE, JR., et. al.	)	
Respondent.	)	
Respondent.	)	
	)	

## ORDER

The Order and Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on September 26, 2022, was served on the parties in this action. Plaintiff objected to the Recommendation. (Doc. 5.)

Though the objections are general and require no de novo review, the court has appropriately reviewed the portions of the Magistrate Judge's report to which objections were made and has made a de novo determination in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that this action is construed as a habeas petitioner under 28 U.S.C. § 2241 and DISMISSED sua sponte without prejudice to Petitioner filing a new petition which corrects the defects of the current Petition after exhausting his claims in state court. The new petition must be accompanied by either the five-dollar filing fee or a current application to

proceed in forma pauperis. Finding neither a substantial issue for appeal concerning the denial of a constitutional right affecting the conviction nor a debatable procedural ruling, a certificate of appealability is not issued.

/s/ Thomas D. Schroeder United States District Judge

October 21, 2022